



# MONTGOMERY McCRACKEN

ATTORNEYS AT LAW

**Timothy Semenoro**  
Admitted in New York, New Jersey

437 Madison Avenue  
29th Floor  
New York, NY 10022  
Tel: 212-867-9500

Direct Dial: 212-551-7793  
Fax: 212-599-1759  
Email: tsemenoro@mmwr.com

July 1, 2015

Hon. Shira A. Scheindlin  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
40 Foley Square, Room 1620  
New York, NY 10007

Re: *In re M/V MSC FLAMINIA* – Master File: SDNY No. 12 Civ. 8892 (SAS)

Dear Judge Scheindlin,

We are the attorneys for the Plaintiffs Conti 11. Container Schiffahrts-GMBH & Co. KG MSC “FLAMINIA” (“Conti”) and NSB Niederelbe Schifffahrtsgesellschaft MBH & Co. KG (“NSB”), who are the owner and operator of the M/V MSC FLAMINIA in the above-referenced action. We submit this joint status letter on behalf of all parties

## **Current Document Discovery and Depositions**

As previously reported, the parties continue making additional requests and producing additional documents.

By April 1, 2015, the date of our last report, a total of 34 witnesses had been deposed in the US and abroad. Since then, the parties have taken an additional 12 depositions in various locations both within and outside of New York, including Switzerland, Germany, Connecticut, and Louisiana. Following each deposition, there continue to be follow-up requests for additional document production, and requests for more depositions.

Additional depositions were noticed and the parties are working towards producing the identified individuals subject to their availability.

## **Expert Discovery**

The various experts have since returned from Denmark following the identification and selection of samples for further testing. These experts are scheduled to return to Denmark during the week of July 7, 2015 to continue their work.

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Concurrently, a protocol is being developed for the testing of the smoke detection tubing and cargo hold CO2 system components that were removed from the vessel and stored at a laboratory in England. The parties have since agreed to have these items tested at the Denmark lab that is testing all of the other samples from the FLAMINIA.

The smoke detection tubing and cargo hold CO2 system components should be transported from England to Denmark by truck this week.

**Summary**

The parties continue to cooperate to produce requested documents and information. Hundreds of thousands of pages of documents have already been exchanged, and additional documents are produced on a fairly regular basis.

In terms of depositions, a total of 46 depositions have been conducted so far. Additional depositions are in the process of being planned and scheduled.

Testing of the various samples continues at a lab in Denmark.

If there are any questions, please do not hesitate to contact us. Otherwise, we thank you in advance for your consideration and continued assistance.

Respectfully submitted,

MONTGOMERY MCCRACKEN  
WALKER & RHOADS, LLP

*/s/ Timothy Semenoro*

Eugene J. O'Connor  
Timothy Semenoro

CC by ECF and E-mail to all counsel of record